

Company, director and excavator operator fined after two workers sustain severe injuries in separate incidents

J Murphy Aggregates Ltd, Shaun Murphy and James Duggan have been sentenced at Leeds Crown Court for safety breaches after a worker was struck by a falling excavator. In addition, J Murphy Aggregates Ltd was sentenced for safety breaches in a separate incident after a wagon driver sustained severe crush injuries to his right leg when he was dragged under a 360 excavator.

York Crown Court had previously heard that J Murphy Aggregates Ltd was engaged in waste management/collection of non-hazardous waste, typically tarmac, brick rubble and broken concrete, which is further broken down and then sold on as hardcore to building sites. The sole director is Shaun Murphy. Prior to the incident, the company were using agency staff on occasion to cover some tasks.

An investigation by the Health and Safety Executive (HSE) found that James Duggan had been initially employed as a crusher machine operator via an employment agency and held a Construction Plant Competence Scheme (CPCS) card to do so. However, he was then employed directly by Shaun Murphy to operate a tracked excavator, despite not holding formal qualifications for operating one. Mr Duggan was using the excavator to "munch" a stockpile when the ground below the excavator collapsed. The excavator then tumbled down the stockpile and collided with a worker who was catapulted off the crushing machine he was maintaining at the time.

The 58-year-old worker suffered multiple fractures to both legs, a dislocated kneecap, a right sided fracture to the pelvis and hip, two punctured lungs, and a right sided fracture to the skull. He also required ten stitches to the head. He remained in hospital for a year, during which time his right hip was removed. His right leg is now significantly shorter than his left leg.

J Murphy Aggregates Ltd of Viaduct Street Pudsey Leeds West Yorkshire pleaded guilty to breaching Section 2 (1) and Section 3 (1) of the Health & Safety at Work etc Act 1974. The company was fined £70,000.

Shaun Murphy, Director, of Viaduct Street, Pudsey, Leeds pleaded guilty to breaching Section 2 (1) and Section 3 (1) by virtue of section 37(1) of the Health & Safety at Work etc Act 1974. He was sentenced to an eight-month custodial sentence, suspended for two years, and 160 hours of community service. He is also required to attend 20 rehabilitation activity requirement days and pay £2,242.50 costs.

James Duggan, Excavator Operator, of Snawthorne Grove, Castleford West, Yorkshire pleaded guilty to breaching Section 7 (a) and Section 3 (2) of the

Health & Safety at Work etc Act 1974. He received an eight-month custodial sentence, suspended for two years, and an order to pay £2,242.50 costs.

J Murphy Aggregates Ltd was also sentenced in relation to a later incident in which a wagon driver sustained severe crush injuries to his right leg when it was dragged under a 360 excavator.

Leeds Magistrates' Court had previously heard that, on 4 December 2020, the wagon driver's tipper vehicle was being loaded with rubbish by a 360 Excavator. He was standing watching this being done. He then approached the side of the wagon to retrieve some overhanging rubbish, before walking between the excavator and wagon and standing towards the rear of the vehicle near to the right-hand track of the excavator. The excavator tracked forwards, dragging his right leg under it, and crushing it.

His right leg was broken and degloved below the knee. He underwent several operations to repair the open fractures and have muscle and skin grafts. A muscle graft subsequently failed in his right ankle and following other complications his right leg was amputated below the knee. His left leg has also been left badly scarred and damaged from the skin and muscle grafts taken from it.

An investigation by the Health and Safety Executive (HSE) found that there was no effective segregation between heavy vehicles and pedestrians in the yard. CCTV footage of the two weeks prior to the accident showed several occasions where plant machinery almost contacted a pedestrian. In the period immediately prior to the accident, other pedestrians are seen on foot within the danger zone of the excavator as it is loading wagons with rubbish.

J Murphy Aggregates Ltd of Viaduct Street, Stanningley, Pudsey, West Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. For this offence, the company was fined £50,000. J Murphy Aggregates Ltd was ordered to pay a total of £8,750 costs.

After the hearing, HSE inspector David Beaton commented: "These cases are a damning indictment of a company which has consistently permitted unsafe systems of work. Shaun Murphy failed to ensure that James Duggan had the relevant skills, knowledge, experience and training to use the excavator at the site. James Duggan knew he was only qualified to operate a crusher as permitted by his CPC card.

"The result was this tragic incident which could so easily have been avoided by using the correct control measures and safe working practices.

"That another worker should sustain injury as a result of J Murphy's failure to implement safe systems of work is deplorable. Segregation measures should have been in place to prevent pedestrians from being within the danger zone.

"I hope this case sends strong signals to businesses that HSE will not hesitate to take action where employers fail to meet health and safety standards and put their workers and the public at risk."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. hse.gov.uk^[1]
2. More about the legislation referred to in this case can be found at: legislation.gov.uk/^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>^[3]
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way.
<https://www.hse.gov.uk/waste/transport.htm>

Company fined after electrician died following fall from crane platform



A company has been fined after an electrician died in fall of approximately eight metres when an access panel on the raised walkway of an overhead crane gave way beneath him.

Teesside Crown Court heard that on 25 October 2016, whilst working at Cleveland Bridge UK Limited's site in Yarm Road, Darlington, electrician Keith Poppleton was repairing wiring that had been causing a short circuit on the lifting equipment of a large overhead gantry crane, known as C25. As he was walking along the crane's walkway, an access panel gave way beneath his feet, causing him to fall through to the ground below. Mr Poppleton sustained fatal injuries and was pronounced dead at hospital.

An investigation by the Health and Safety Executive (HSE) found the company had failed to maintain the crane walkway's access panels, which had been used to replace lighting fittings some months earlier. Also, the panel itself had been subject to weld repair, and there was no evidence of any steps being taken to ensure that the panel was safely replaced into the void and secured

to ensure it did not fail.

Cleveland Bridge UK Ltd of Cleveland House, Yarm Road, Darlington were found guilty of breaching Sections 2(1) and 3(1) of the Health & Safety at Work etc Act 1974, Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 and Regulation 8(b)(i) of the Work at Height Regulations 2005. The company was fined £1.5M and ordered to pay costs of £29,239.

Mr Poppleton, a former college lecturer in electrical engineering, leaves behind a wife and three daughters.

His wife Catherine Poppleton said: "The day Keith died a large part of me died with him. He was my world, he was the reason my life was interesting, exciting, safe and I felt loved."

"He was risk-averse and this respect for safety was something he practised as well as taught.

"I feel that the 'me' before losing Keith has gone. I do not feel like myself anymore, I do not feel whole."

Speaking after the hearing, HSE inspector Jonathan Wills said: "Mr Poppleton and others were at risk from serious injury whilst walking on a gantry 26 feet high, as the company had failed to assess the risk of these access platforms, which should be secured in accordance with the manufacturer's instructions.

"This was an incident, which could easily have been prevented had the company considered the risks associated with such access panels not being secured in place following maintenance work and general wear and tear."



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Metal recycling company and its director prosecuted after 15-year-old boy suffers serious burn injuries

A metal recycling firm and its director have been sentenced after a 15-year-old employee of the company suffered serious burns following an explosion and flash fire.

Birmingham Magistrates' Court heard that on 1 August 2019 the boy, working on a casual basis for A & S Metal Recycling Limited, suffered 22 per cent burns to his body when aerosol canisters he had fed into a shredding machine exploded causing a flash fire at Unit 75A, Barracks Road, Sandy Lane Industrial Estate, Stourport-on-Severn, Worcestershire, DY13 9RW.

An investigation by the Health and Safety Executive (HSE) found that the work unit was not an appropriate facility for processing aerosol canisters; control measures to prevent or mitigate fire and explosion risks were not put in place. Despite this, the activity was undertaken by minors, employed as a part of a casual working arrangement, using inadequate equipment.

A & S Metal Recycling Limited of Barracks Road, Sandy Lane Industrial Estate, Stourport-on-Severn pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and was fined £66,000 served as a compensation order to be paid to the injured person, ordered to pay cost of £8,192.55.

Simon Davies, director of A & S Recycling Limited, pleaded guilty to breaching Section 37(1) of the Health and Safety at Work Act 1974 and was given a six-month custodial sentence suspended for two years and was ordered to complete 100 hours of unpaid work.

Speaking after the case HSE inspector Alex Stobart said: "The waste and recycling industry has the potential to be extremely hazardous, and in this case two children were needlessly exposed to significant risks on site.

The explosion and fire led to one child being hospitalised with significant burn injuries. This incident could so easily have been avoided by simply implementing the correct control measures and a safe system of work, as standard within the industry.

"Waste and recycling companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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Motor vehicle scrap company fined after worker suffers crush injuries

A motor vehicle scrap company and a director have been fined after a worker suffered crush injuries in an incident involving a forklift truck.

Cambridge Magistrates' Court heard how on 1 March 2021, an employee of Queensferry Car Breakers Limited was injured when he was hit and run over by a forklift truck driven by his employer Ghol Mohammad Navabi. The forklift truck was being used to transport engine parts from the scrap yard up a loading ramp into the back of a metal container.

Whilst Mr Navabi was inside the container, he asked the worker to collect a car bonnet. The worker left the container and walked down the ramp returning quicker than Mr Navabi expected. As he was walking back up the ramp Mr Navabi reversed down it and ran over him, which resulted in multiple fractures to both his legs.

An investigation by the Health and Safety Executive (HSE) into the incident found that the forklift truck had not been adequately maintained, had no working foot brake, no working hand brake and the steering was defective. There were no measures in place to segregate pedestrians and moving vehicles and the company had no employer's Liability Compulsory Insurance.

Queensferry Car Breakers Limited of Doddington Road, Cambridge pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, Regulation 5(1) of the Management of Health and Safety at Work Regulations 1999; and Section 1(1) of the Employers' Liability (Compulsory Insurance) Act 1969 ("the Act"). The company was fined £60,000 and ordered to pay costs of £3,923.

Sole director of Queensferry Car Breakers Ghol Mohammad Navabi pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, by virtue of Section 37(1). He was given a 20 week prison sentence suspended for 12 months, including 15 rehabilitation activity requirement days, 180 unpaid work hours and ordered to pay prosecution costs of £3,923.

Speaking after the hearing, HSE inspector Emma Page said: "This incident could have easily resulted in a fatality and could have been avoided by simply carrying out correct control measures and safe working practices.

"This risk was further amplified by the company's failure to undertake a number of safety measures including segregating vehicles and pedestrians."

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www.hse.gov.uk/workplacetransport/lift-trucks/managing-lift-trucks.htm
www.hse.gov.uk/workplacetransport/trafficroutes.htm
3. HSE news releases are available at <http://press.hse.gov.uk>

Manufacturing company fined after employee suffered fatal injury

A manufacturing company has been fined after an employee was found fatally injured under the forks of a side-loader lift truck.

Dudley Magistrates' Court heard that on 2 September 2019, a Cutting Edge Trading Limited employee, Mitchell Poutney, was fatally injured at the company site on Station Road, Rowley Regis, West Midlands during a lifting operation. The unsupported forks and carriage of a side-loader lift truck descended, crushing him whilst he was working underneath it.

An investigation by the Health and Safety Executive (HSE) found the company had failed to provide a safe system of work for unloading palletised goods using the side-loader forklift truck.

Cutting Edge Trading Limited of Station Road Industrial Estate, Rowley Regis, West Midlands pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £18,000 and ordered to pay

costs of £10,153.

Speaking after the hearing, HSE Principal Inspector Jenny Skeldon said: "This tragic incident could have easily been prevented if this employer had acted to identify and manage the risks involved and put a safe system of work in place."

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